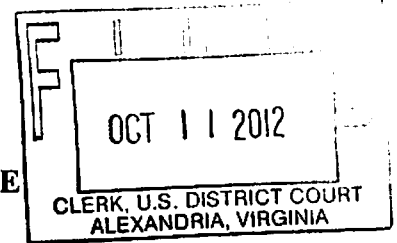


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



HILDA L. SOLIS,
Plaintiff,

v.

SMART TECHNOLOGY, INC., et al.,
Defendants.

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Civil Action No. 1:12cv284

FINAL ORDER

Upon consideration of the August 27, 2012 Report and Recommendation of the United States Magistrate Judge designated to conduct a hearing in this matter, no objections having been filed, and upon an independent *de novo* review of the record, it is hereby **ORDERED** that the Court adopts as its own the findings of fact and recommendation of the United States Magistrate Judge, as set forth in the August 27, 2012 Report and Recommendation.

Accordingly, it is hereby **ORDERED** that judgment is **ENTERED** by default in favor of plaintiff and against defendants Smart Technology, Inc. and Shawn Hedgspeth, jointly and severally, in the following respects:

1. Defendants Smart Technology, Inc. and Shawn Hedgspeth, jointly and severally, shall restore \$21,438.90 in Plan assets and \$7,273.23 in pre-judgment interest, for a total of \$28,712.13, to the subject ERISA Plan.

2. Once the \$28,712.13 has been restored to the Plan, \$26,303.84 of the Plan assets shall promptly be paid to Plan participant Robert Suslowitz, and \$1,167.32 of the Plan assets shall promptly be paid to Plan participant Salvador Campos.

3. Once the above amounts have been redistributed to the above Plan participants, defendants Smart Technology, Inc. and Shawn Hedgspeth shall promptly take all necessary and

further action required to terminate the Plan and to distribute any remaining Plan assets in accordance with the Plan documents.


4. Following termination of the Plan and distribution of the remaining Plan assets, defendants Smart Technology, Inc. and Shawn Hedgpeth are thereafter permanently **ENJOINED** from serving as trustees, fiduciaries, advisors or administrators to any employee benefit plan covered by the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. § 1001, *et seq.*

5. The Court retains jurisdiction of this action solely for purposes of enforcing compliance with the terms of this Final Order and Judgment.

The Clerk is **DIRECTED** to enter judgment in accordance with this Order, pursuant to Rule 58, Fed. R. Civ. P., and to place this matter among the ended causes.¹

The Clerk is further **DIRECTED** to send a copy of this Judgment Order to defendants, the Magistrate Judge and all counsel of record.

Alexandria, VA
October 11, 2012



T. S. Ellis, III
United States District Judge

¹ Plaintiff has represented that the remaining defendant —The Smart Technology 401(k) Plan— was named as a defendant under Fed. R. Civ. P. 19 only to assure that complete relief could be obtained for the subject Plan. Accordingly, it is clear that this Final Order and the accompanying Rule 58 Judgment resolve this case in its entirety.